

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, FEBRUARY 12, 2001  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Mayor Murphy at 2:08 p.m. The meeting was recessed by Mayor Murphy at 4:08 p.m. for the purpose of a break. The meeting was reconvened by Mayor Murphy at 4:18 p.m. with all members present, and Districts 6 and 8 vacant. Mayor Murphy adjourned the meeting at 5:30 p.m. into Closed Session at 9:00 a.m. on Tuesday, February 13, 2001, in the twelfth floor conference room to discuss existing and anticipated litigation.

**ATTENDANCE DURING THE MEETING:**

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Vacant
- (7) Council Member Madaffer-present
- (8) Vacant
- Clerk-Fishkin (pr)

FILE LOCATION: MINUTES

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for the Regular Meeting of Monday, February 12, 2001**

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**ITEM-1: ROLL CALL**

Clerk Fishkin called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Vacant
- (7) Council Member Madaffer-present
- (8) Vacant

**ITEM-10: INVOCATION**

Invocation was given by Norma DeSagher of the Ocean View United Church of Christ.

**ITEM-20: PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Council Member Peters.

**ITEM-30: Approval of Council Minutes.**

**TODAY'S ACTION IS: APPROVED**

Approval of Council Minutes for the meetings of:

1/22/2001  
1/23/2001

**FILE LOCATION: MINUTES**

**COUNCIL ACTION: (Tape location: A041-046.)**

MOTION BY WEAR TO APPROVE. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-31: Ann E. "Andy" Watt Day.

**COUNCILMEMBER ATKINS'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1113) ADOPTED AS RESOLUTION R-294529

Recognizing Ann E. "Andy" Watt for originating the idea of the San Diego Old House Fair and for creating the opportunity to celebrate the unmatched splendor of older, traditional homes and neighborhoods;

Proclaiming February 12, 2001 to be "Ann E. 'Andy' Watt Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A065-130.)

MOTION BY ATKINS TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Don Stillwell regarding his observations, e.g., Abraham Lincoln's Birthday, and asking Council to be careful regarding spending money on the Ballpark.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A136-179.)

**PUBLIC COMMENT-2: REFERRED TO PS&NS**

Comment by Steve McWilliams regarding "Shelter from the Storm;" City Attorney Casey Gwinn; medicinal centers; and CAME.

Council Member Atkins stated this issue will be heard at PS&NS as soon as possible to look at the report coming from the District Attorney's Office.

Mayor Murphy requested this item not be heard on the same day as imposing the alcohol ban on the beaches.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A180-225; A226-228; A228-239.)

**PUBLIC COMMENT-3:**

Comment by Marge Peary regarding the De Anza Community, and that residents there should not loose their homes.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A242-298.)

**PUBLIC COMMENT-4:**

Comment by Ron Boshun regarding Brian Kimball Fletcher and NTC.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A299-343.)

**PUBLIC COMMENT-5: REFERRED TO PS&NS**

Comment by James Justus regarding the Mayor's Model Neighborhoods, and that he would like his neighborhood in Sherman Heights to be included in that program. Mr. Justus expressed he felt his community deserved to be in that program because it is a community that is over a hundred years old.

Council Member Atkins expressed this issue will be heard at PS&NS, and she will inform Council when it is docketed.

Mayor Murphy suggested the speaker, Mr. Justus, stay in touch with the consultant for PS&NS to find out what the scheduling will be, and to make a presentation at that time.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A343-374; A375-380; A380-390.)

**PUBLIC COMMENT-6:**

Comment by Jacquelyn Meshad regarding Black History, and facts on San Diego residents.

Council Member Stevens informed Ms. Meshad that this year will be proclaimed to be "Black History Year," as decided upon by Council in the Rules Committee.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A390-422; A423-445.)

**PUBLIC COMMENT-7:**

Comment by Bert Decker regarding NTC, and that he is unhappy with Council using laptops.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A461-474.)

**PUBLIC COMMENT-8:**

Comment by Petra E. Barajas stating she wanted Council to know that she had teeth. Ms. Barajas expressed that the last time she appeared before Council, it appeared on television that she didn't have teeth. Ms. Petra also informed Council that she is a write-in candidate for District 8.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Tape location: A484-500.)

**COUNCIL COMMENT:**

**ITEM-CC-1: REFERRED TO RULES COMMITTEE/NR&C**

Comment by Council Member Wear regarding laptops are a form of public input, and there use is very valuable.

Council Member Wear expressed that regarding the NTC lawsuit, other descendants of Colonel Fletcher had contacted his office and have an entirely different opinion of Brian Fletcher's allegation. Council Member Wear noted there were hundreds of community meetings that were televised, and it certainly wasn't an arrogant decision that went into the planning. Also, it is considered to be (by the Federal government) the model of Base closure in the U.S. Council Member Wear expressed the plan for NTC also resulted in the most generous homeless assistance package in the history of Base closure.

Council Member Wear referred to his memo circulated in Council regarding City Arts funding, and that San Diego ranks 27<sup>th</sup> among 50 cities per-capita National Endowment for the Arts funding. As a supporter of Arts, Council Member Wear wished to firmly state that this is unacceptable. Council Member Wear requested the issue of NEA funding be included as part of the Federal Legislative Agenda to be discussed in the coming weeks at the Rules Committee.

Council Member Wear wished to also request that the Commission on Arts and Culture report back to NR&C within 60 days on how the City may assist local arts organization in increasing the funding.

Lastly, Council Member Wear stated that regarding the Mayor's goal number five to restructure regional governments, and as the Mayor is well aware, that process will begin on Friday. Council Member Wear stated that the Commission of Government Efficiency will meet at SANDAG at 9:00 a.m. Friday, February 16, 2001, and hoped Council would attend and participate in that effort.



FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A500-B009.)

ITEM-CC-2:

Comment by Council Member Maienschein regarding his opportunity to attend a San Diego Wild Fires basketball game at the Sports Arena, and that they were good enough to donate 10 percent of their ticket sales to Becky's House. Council Member Maienschein wished to thank the Wild Fires for their support, and their help in curbing domestic violence in San Diego.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B010-016.)

ITEM-CC-3:

Comment by Council Member Madaffer regarding Mayor Murphy's comments at last weeks Council Meeting (honoring the City's television crew) regarding the music. Council Member Madaffer played a clip of music for Council's edification; a clip that the Mayor really liked.

Mayor Murphy thanked Council Member Madaffer for that, and expressed there should be a broader selection of music on the City's access channels.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: B020-044; B045-057.)

- \* ITEM-50: Two actions related to Lease and Joint Use Agreement for Garfield Elementary School.

(Greater North Park Community Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2001-105) INTRODUCED, TO BE ADOPTED FEBRUARY 26,  
2001

Introduction of an Ordinance authorizing the City Manager to execute a twenty-five year Lease and Joint Use Agreement with the San Diego Unified School District for the construction, operation, maintenance and lease of turf fields and recreation facilities at Garfield Elementary School.

**NOTE:** 6 votes required for Subitem A pursuant to Section 99 of the City Charter.

Subitem-B: (R-2001-958) ADOPTED AS RESOLUTION R-294530

Authorizing the City Auditor and Comptroller to add CIP-29-422.0, Garfield Elementary School - Joint Use Facility, to the FY 2001 Capital Improvements Program Budget;

Authorizing the City Auditor and Comptroller to transfer and expend an amount not to exceed \$240,000 from CIP-29-827.0, Jefferson School/Park Playground, North Park Fund, Fund No. 39095, to CIP-29-422.0, Garfield Elementary School - Joint Use Facility, for use on the Project, contingent upon the mutual execution of the Agreement for the construction, operation, maintenance and lease of turf fields and recreation facilities at Garfield Elementary School Site.

**CITY MANAGER SUPPORTING INFORMATION:**

This project will provide a .75 acre recreational facility at Garfield Elementary School located at 4487 Oregon Street in the Greater North Park Community Planning Area, a community deficient in park land per General Plan Standards. This proposed facility will be developed and maintained through a twenty-five (25) year lease and joint use agreement with the San Diego Unified School District. This project has been designed with input from two community workshop sessions. The General Development Plan (GDP) was approved by the Park and Recreation Board on July 20, 2000.

These funds will be used to amend the consultant's agreement to prepare the appropriate construction documents and to cover construction costs to implement the first phase of work.

## Page 11

Authorizing the City Manager to execute a Subdivision Improvement Agreement with Mayfair Homes, Inc., and Villa Portofino, LLC, for the installation and completion of certain public improvements.

Subitem-B: (R-2001-991) ADOPTED AS RESOLUTION R-294532

Approving the final map.

**CITY MANAGER SUPPORTING INFORMATION:**

This map proposes the subdivision of a 0.48 acre site into one lot for residential condominium development (30 units). It is located north of Washington Street on the west side of Front Street in the Mid-City Communities Planned District of the Uptown Community Plan Area, in the MR-800B Zone. On May 25, 1999, the City Council of the City of San Diego approved Tentative Map TM-98-0551 for the Villa Portofino project by Resolution Number R-291681. The City Engineer has approved the final map and states that all conditions of the tentative map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing No. 30114-D. The grading for the site was completed under Building Permit No. A-105168-99 and the building is under construction. The Engineer's estimate for the cost of public improvements is \$44,000 and a Performance Bond in that amount has been provided as surety. A cash deposit, in the amount of \$500 as determined by the surveyor's estimate, has been posted as surety for the setting of the survey monuments. The Subdivider, by letter, has given assurance to the City of San Diego that they subscribe to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development."

**FISCAL IMPACT:**

None.

Loveland/Haase/RSV

**FILE LOCATION:** SUBITEMS A & B: SUBD-Villa Portofino (40)

**COUNCIL ACTION:** (Tape location: B076-087.)

MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote:  
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea,  
District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

\* ITEM-101: DNA Analysis Grant from the California Office of Criminal Justice Planning.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1067) ADOPTED AS RESOLUTION R-294533

Authorizing the Chief of Police to accept and expend funding for the Cold Hit Program in accordance with the Project Proposal;

Declaring that this authorization includes all aspects of grant and program application, acceptance, operation, contracts, expenditures, certifications of compliance with all applicable statutory or regulatory requirements related to this program, and any amendments, extensions, renewals, or future funding of this program for a period of up to five years, provided funding is made available by the State of California;

Declaring that the applicant agrees to provide all required matching funds for this project (including amendments, extensions, renewals, or future funding thereof) under the program and the funding terms and conditions of the Office of Criminal Justice Planning, and that any required cash match shall be appropriated as required;

Declaring that any liability arising out of the performance of the Grant Award Agreement and/or program, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The State of California and OCJP disclaim responsibility for any such liability;

Declaring that funds and/or resources received hereunder shall not be used to supplant expenditures controlled by this body, and that personnel positions funded hereunder, if any, are not subject to local hiring freezes.

**CITY MANAGER SUPPORTING INFORMATION:**

The proposed grant will assist the DNA unit of the San Diego Police Department Crime Laboratory in identifying and databasing 550 suspectless sexual assault cases which have been backlogged and not analyzed due to the competing caseload in which suspects have been identified.

This grant is reimbursement for work performed on suspectless sexual assault cases as follows:

- # \$50 for each suspectless sexual assault case identified;
- # \$250 for each suspectless sexual assault case screened for probative evidence;
- # \$2000 for each suspectless sexual assault case DNA typed;
- # \$4500 for each confirmation of a "cold hit" against the State felon DNA database.

In the first year of this grant, the San Diego Police Department Crime Laboratory will perform evidence screening on 150 of these cases. We expect to find probative evidence in approximately 60% of the cases analyzed. We will perform DNA typing on 30 of these cases. The other 60 cases will be sent to a private laboratory for DNA typing (to be paid by OCJP). We expect to confirm approximately five cold hits on the felon DNA database. This will result in a year one total grant of \$180,218. Year 2 and 3 will vary slightly, but not significantly, from this amount.

**FISCAL IMPACT:**

This grant, funded by the Office of Criminal Justice Planning, will provide sufficient funds for salary and benefits for one Laboratory Technician to be hired on a full-time, limited basis; reimbursement for criminalist time to do DNA typing; and equipment and supplies to carry out the project. The grant requires no matching funds. There is no requirement to continue services at the grant-funded level after grant funding has terminated. Future service level will be contingent on the ability of the department to absorb the Lab Tech position and related expenses through staff attrition and/or general fund increase.

Uberuaga/Bejarano/MG

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B057-076.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

\* ITEM-102: Metro One-Stop Career Center Day.

**COUNCILMEMBER ATKINS'S AND DEPUTY MAYOR STEVENS'S  
RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1097) ADOPTED AS RESOLUTION R-294534

Recognizing the San Diego Workforce Partnership's Metro One-Stop Career Center for its commitment to provide a job-training system that ensures a skilled, productive workforce for the greater San Diego region;

Proclaiming January 31, 2001 to be "Metro One-Stop Career Center Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B057-076.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-103: Consultant Agreement for Sewer Pump Station 45 Improvements, Phase II.

(La Jolla Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1083 Cor. Copy) ADOPTED AS RESOLUTION R-294535

Authorizing the expenditure of an amount not to exceed \$453,385 from Sewer Fund No. 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restoration, Sub CIP-46-601.6, Sewer Pump Station 45 Improvements, Phase II, of which an amount not to exceed \$353,385 is payable to consultant under the Agreement with Lee And Ro, Inc. for engineering consultant services and

\$100,000 shall be used to pay for “in-house” costs associated with this project;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

Sewer Pump Station 45 is in the La Jolla community area at the end of Salk Institute Road. This pump station has been in service since 1957 and has reached its useful life and needs to be upgraded to City standards. The scope of work includes abandoning the existing Sewer Pump Stations 28, 29, and 45, and combining the flows from these three (3) stations into a larger station. This station will be constructed on the existing Sewer Pump Station 45 site. The abandonment of the other two (2) sites will eliminate the associated maintenance costs.

On February 1, 1999, the City entered into an agreement with Lee and Ro, Inc., for engineering consultant services for the design of Sewer Pump Station 45. The City Manager has previously authorized the execution of a phase-funded contract with Lee and Ro, Inc., for a cost not exceeding \$753,385 (AC990058) Resolution No. R-291242. The project is on schedule and approaching the 90% design phase. Funds for Phase II of the contract will allow the completion of the design phase and the construction services throughout the completion of the project.

**FISCAL IMPACT:**

The total estimated design cost is \$953,385 of which \$753,385 is for consulting services, \$400,000 for Phase I, and \$353,385 for Phase II, and \$200,000 for in-house costs of which \$100,000 was for Phase I and \$100,000 is for Phase II. Funding for this action is available from Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Stations, for this purpose.

Belock/Boekamp/HR

Aud. Cert. 2100788.

WWF-01-487.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B109-154.)

MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote:  
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-nay, District 6-vacant,  
Madaffer-yea, District 8-vacant, Mayor Murphy-yea.



- \* ITEM-104: Two actions related to Approval of Grade and Alignment Study for Camino Ruiz North.

(Rancho Penasquitos and Del Mar Mesa Community Areas. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2001-1107 Cor. Copy) ADOPTED AS RESOLUTION R-294536

Approving the Grade and Alignment Study for Camino Ruiz North in partial satisfaction of the transportation phasing condition for construction of Camino Ruiz Road, as required in the Subarea IV Plan;

Declaring that the transportation phasing condition for construction of Camino Ruiz Road shall be considered fully satisfied upon the City Engineer's approval of a secured agreement assuring construction of Camino Ruiz Road between State Route 56 and Carmel Valley Road or the processing and approval of all necessary permits for construction of the road, whichever occurs first.

Subitem-B: (R-2001-1103) ADOPTED AS RESOLUTION R-294537

Certifying that the information contained in LDR-40-0386 has been completed in compliance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines, and that said Mitigated Negative Declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with their approval of the Grade and Alignment Study for Camino Ruiz North;

Finding that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and approving the Mitigated Negative Declaration;

Adopting the Mitigation, Monitoring and Reporting Program.

**CITY MANAGER SUPPORTING INFORMATION:**

This action will approve the grade and alignment study and certify the Mitigated Negative Declaration being prepared for the portion of Camino Ruiz between Carmel Valley in the north and Carmel Mountain Road in the south, including approximately 300 feet of Carmel Mountain Road heading northeast. Developers within Subarea 4 which own property along the proposed section of Camino Ruiz, in an effort to accelerate the development review process, approached the City in March of 2000 and requested that the City, acting on behalf of the developers, submit the project as a "City" project which would be privately funded. Approval of a grade and alignment study, which sets the grade and alignment of the proposed roadway segment to the satisfaction of the City Engineer, must be obtained prior to the issuance of grading and building permits for development taking place along this portion of Camino Ruiz. In May 2000, the project was submitted by the Engineering and Capital Projects Department, as a privately funded "City" project, to the Planning and Development Review Department for review. As part of the project review process, a Mitigated Negative Declaration LDR-40-0386, which addresses potential environmental impacts, was prepared and circulated for public review. Funding of the proposed roadway and required improvements will be funded through an FBA agreement between the City of San Diego and private developers within Subarea 4.

**FISCAL IMPACT:**

No fiscal impact will result from approval of the grade and alignment study and certification of the Mitigated Negative Declaration.

Belock/Boekamp/HR

**FILE LOCATION:** SUBITEMS A & B: MEET

**COUNCIL ACTION:** (Tape location: B057-076.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-150: Energy Issues.

(See City Attorney's 1/24/2001 Report.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2001-1112) ADOPTED AS AMENDED AS RESOLUTION R-294538

Declaring that the state of economic emergency in San Diego continues in force and effect;

Declaring that Governor Gray Davis should sponsor and support legislation that will provide financial relief to the citizens of San Diego and the state for the unjust and unreasonable rates charged by producers of electricity;

Declaring that federal, state, and where appropriate, local lawmakers, executives and regulators should support and adopt measures to: 1) immediately regulate the wholesale price of electricity based upon the cost to produce plus a reasonable rate of return; 2) require producers of electricity to sell to the California market electricity at such rates, in necessary and appropriate amounts, until such time as the supply of electricity for California becomes sufficiently abundant and diversified that the free market can operate effectively; and 3) remove current barriers to the entry of the market for electricity, including streamlining the siting and development process for electric generation, transmission and distribution facilities, and which provide incentives for the creation of such facilities. The City Manager and City Attorney are directed to immediately undertake a review of San Diego's regulations and policies on the siting and development of electric generation, transmission and distribution facilities, and make appropriate recommendations to the Mayor and City Council in light of the current crisis and consistent with this resolution; Authorizing and directing the City Attorney, utilizing the legal team assembled for this purpose, to aggressively pursue such federal and state regulatory remedies as may be available to ensure the reliable supply of electricity and natural gas to San Diego and California at reasonable prices. Such remedies may include the pursuit of necessary or appropriate judicial review of regulatory orders. The City Attorney is further directed to regularly report to the City Council on the efforts of the legal team, and to implement direction as may be given by the City Council regarding these matters;

Directing the City Manager to implement the Mayor's recommendation for an "energy czar" or energy oversight position to oversee San Diego's efforts at energy self-reliance and conservation by pursuing the following initiatives: 1) The utilization of renewable energy sources such as solar or hydroelectric; 2) A study of the feasibility of a municipal utility district; 3) A comprehensive energy conservation program for all City facilities; 4) Incentives to encourage energy conservation in new private development; 5) A public education program to encourage citizen energy conservation; and 6) Monitor the electricity and natural gas crisis on all fronts, facilitate coordination of San Diego's legislative activities, and provide frequent updates in writing to the Mayor and City Council;

Directing the Intergovernmental Relations Department (IRD) to place the highest priority in San Diego's federal and state legislative and lobbying efforts on the matters. IRD, the City Manager and City Attorney, in cooperation with the energy oversight position, are directed to work together to formulate and pursue necessary federal or state legislation to accomplish the recommendations in the event that the federal and state regulatory agencies abdicate their responsibility to protect the interests of consumers, or if those agencies do not have jurisdiction to implement effective measures. IRD, in cooperation with the energy oversight position, is further directed to provide continuing and complete analysis to the City Council of federal and state legislation and regulatory orders affecting the matters;

Declaring that the state Attorney General and federal Department of Justice should investigate whether there has been collusion, price fixing or any other unlawful exercise of market power or anti-competitive activity by any of the involved or related parties in the production, transmission and distribution of electricity;

Directing the City Manager and City Attorney, in cooperation with the energy oversight position, to report back to the Mayor and City Council on viable options for energy self-sufficiency such as aggregation or the formation of a public utility district, and to explore possible joint ventures with public or private entities to develop additional electricity supplies. The City Manager and City Attorney are further directed to solicit and work with other interested public agencies in the County in their evaluation;

Declaring that federal and state lawmakers and regulators should immediately support the widespread use of real-time metering to give consumers more information and control over their energy consumption;

Declaring that federal and state lawmakers should require electricity service providers to implement energy conservation incentives, including rebates, to homeowners and small business, consistent with such incentives as may be provided to large customers. The City Manager is directed to immediately examine San Diego's policies for conservation incentives, and make appropriate recommendations to the Mayor and City Council.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S  
RECOMMENDATION:**

On 01/24/2001, RULES voted 5 to 0 to approve the City Attorney's report, with amendments, and forward to the City Council for approval. (Councilmembers Wear, Atkins, Stevens, Madaffer and Mayor Murphy voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B159-C058.)

MOTION BY WEAR TO ADOPT THE RESOLUTION AS AMENDED TO ADD THE FOLLOWING LANGUAGE:

1. "THE STATE OF CALIFORNIA SHOULD NOT IMPLEMENT LAWS OR POLICIES THAT PENALIZE OR DOUBLE TAX THE CITIZENS AND RATEPAYERS OF SAN DIEGO BY REQUIRING THEM TO BUY DOWN THE ELECTRICITY RATE BALANCING ACCOUNT AS WELL AS FUND, THROUGH THE USE OF STATE ISSUED BONDS SUPPORTED BY TAX REVENUES, A SUBSIDY OR BAILOUT OF THE INVESTOR OWNED UTILITIES, SAN DIEGO GAS & ELECTRIC, PACIFIC GAS & ELECTRIC AND SOUTHERN CALIFORNIA EDISON."
2. "REPORT BACK TO COUNCIL WITH A COMPREHENSIVE ENERGY CONSERVATION PROGRAM FOR ALL CITY FACILITIES WITHIN 60 DAYS."
3. REPORT BACK TO COUNCIL REGARDING INCENTIVES TO ENCOURAGE ENERGY CONSERVATION IN NEW PRIVATE DEVELOPMENT WITHIN 90 DAYS."
4. "SPECIFICALLY, THE CITY OF SAN DIEGO SUPPORTS H.R. 268, SPONSORED BY CONGRESSMAN BOB FILNER, AND URGES CONGRESS TO ADOPT THAT MEASURE."

5. "FEDERAL, STATE AND LOCAL LAWMAKERS SHOULD REQUIRE ELECTRICITY SERVICE PROVIDERS TO IMPLEMENT ENERGY CONSERVATION INCENTIVES, INCLUDING REBATES, TO HOMEOWNERS, AND SMALL BUSINESSES, CONSISTENT WITH SUCH INCENTIVES AS MAY BE PROVIDED TO LARGE CUSTOMERS. THE CITY MANAGER IS DIRECTED TO IMMEDIATELY EXAMINE SAN DIEGO'S POLICIES FOR CONSERVATION INCENTIVES, AND MAKE APPROPRIATE RECOMMENDATIONS TO THE MAYOR AND CITY COUNCIL."

Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-151: The City Council's Proposed State Legislative Priorities for 2001.

(See Intergovernmental Relations Department Report IRD-01-01 (Revised) and letter from Jay Powell dated 1/19/2001.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2001-1114) ADOPTED AS RESOLUTION R-294539

Approving the 2001 State Legislative Sponsorship Program, as set forth in Intergovernmental Relations Department Report No. 01-01 (Revised), dated February 8, 2001.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:**

On 1/24/2001, RULES voted 5 to 0 to approve the Intergovernmental Relations Department's draft sponsorship program, with amendments, and forward to the City Council for approval. (Councilmembers Wear, Atkins, Stevens, Madaffer and Mayor Murphy voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E195-394.)

MOTION BY WEAR TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-152: Two actions related to Peninsula Public Facilities Financing Plan and Development Impact Fee.

(See City Manager Report CMR-01-016 and Draft FY2001 Public Facilities Financing Plan. Peninsula Community Area. District-2.)

**TODAY'S ACTIONS ARE:**

Adoption of the following resolutions:

Subitem-A: (R-2001-501) ADOPTED AS RESOLUTION R-294540

Approving the document entitled "Peninsula Public Facilities Financing Plan, Fiscal Year 2001," dated December 2000.

Subitem-B: (R-2001-502) ADOPTED AS RESOLUTION R-294541

Rescinding the existing Peninsula Development Impact Fees (DIF);

Declaring the DIF fee schedule contained in the Peninsula Public Facilities Financing Plan, Fiscal Year 2001 to be an appropriate and applicable DIF fee schedule for all properties within the Peninsula Community Planning Area;

Declaring that the Docket Supporting Information (including City Manager's Report CMR-01-016) and the text contained in the Peninsula Public Facilities Financing Plan are incorporated by reference into the resolution as support and justification for satisfaction of findings required pursuant to California Government Code section 66001(a) and 66001(b) for imposition of DIFs; Specifically, it is determined and found that this documentation: 1) Identifies the purpose of the DIF; 2) Identifies the use to which the DIF is to be put; 3) Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 01/31/2001, LU&H voted 3 to 0 to approve the City Manager's recommendation. (Councilmembers Peters, Wear and Maienschein voted yea. Councilmember Stevens not present.)

FILE LOCATION: SUBITEMS A & B: MEET

COUNCIL ACTION: (Tape location: C523-540.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-200: Amended and Restated Attachment License Agreement with Metricom, Inc.

(See City Manager Report CMR-01-022.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2001-112) INTRODUCED, TO BE ADOPTED FEBRUARY 26, 2001

Introduction of an Ordinance approving an Amended and Restated Attachment License Agreement between the City of San Diego and Metricom, Inc., for the attachment of wireless radio receivers on City-owned light poles.

**NOTE:** 6 votes required pursuant to Section 99 of the City Charter.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: C540-550.)

MOTION BY WEAR TO INTRODUCE. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-201: Three actions related to Siempre Viva Business Park - East, West and Central Phases Subdivision Improvement Agreements.

(Otay Mesa Enterprise Zone. District-8.)



**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2001-1108) ADOPTED AS RESOLUTION R-294542

Authorizing a Subdivision Improvement Agreement with Siempre Viva Business Park East, LLC, for the installation and completion of public improvements;

Authorizing the City Manager to accept the Performance Bond, Bond No. 59SB103331268 in the amount of \$2,086,857;

That upon City Council approval to substitute Siempre Viva Business Park, LLC, Siempre Viva Business Park East, LLC and Siempre Viva Business Park West, LLC, as subdivider, the Subdivision Improvement Agreement with Egger Odermatt Trust, Document No. RR-276056, adopted July 2, 1990 is terminated;

That upon approval by the City Council to substitute Siempre Viva Business Park, LLC, Siempre Viva Business Park East, LLC and Siempre Viva Business Park West, LLC, as subdivider, and acceptance of their respective Performance Bonds, Performance Bond No. 1151177 in the amount of \$6,808,487 be released.

Subitem-B: (R-2001-1109) ADOPTED AS RESOLUTION R-294543

Authorizing a Subdivision Improvement Agreement with Siempre Viva Business Park West, LLC, for the installation and completion of public improvements in the Subdivision known as Siempre Viva Business Park;

Authorizing the City Manager to accept the Performance Bond, Bond No. 59SB103331269 in the amount of \$1,670,974;

That upon City Council approval to substitute Siempre Viva Business Park, LLC, Siempre Viva Business Park East, LLC and Siempre Viva Business Park West, LLC, as subdivider, the Subdivision Improvement Agreement with Egger Odermatt Trust, Document No. RR-276056, adopted July 2, 1990 is terminated;

That upon approval by the City Council to substitute Siempre Viva Business Park, LLC, Siempre Viva Business Park East, LLC and Siempre Viva Business Park West, LLC, as subdivider, and acceptance of their respective Performance Bonds, Performance Bond No. 1151177 in the amount of \$6,808,487 be released.

Subitem-C: (R-2001-1090) ADOPTED AS RESOLUTION R-294544

Authorizing a Subdivision Improvement Agreement with Siempre Viva Business Park, LLC, for the installation and completion of public improvements in the Subdivision known as Siempre Viva Business Park;

Authorizing the City Manager to accept the Performance Bond, Bond No. 1718501 in the amount of \$3,288,272;

That upon City Council approval to substitute Siempre Viva Business Park, LLC, Siempre Viva Business Park East, LLC and Siempre Viva Business Park West, LLC, as subdivider, the Subdivision Improvement Agreement with Egger Odermatt Trust, Document No. RR-276056, adopted July 2, 1990 is terminated;

That upon approval by the City Council to substitute Siempre Viva Business Park, LLC, Siempre Viva Business Park East, LLC and Siempre Viva Business Park West, LLC, as subdivider, and acceptance of their respective Performance Bonds, Performance Bond No. 1151177 in the amount of \$6,808,487 be released.

**CITY MANAGER SUPPORTING INFORMATION:**

Siempre Viva Business Park (W.O. #861023) is a 147 acre industrial subdivision located in the Otay Mesa Enterprise Zone. On July 2, 1990 The Egger Odermatt Trust entered into a Subdivision Improvement Agreement (SIA) with the City of San Diego to develop the subdivision (Document No. RR-276056). Until recently economic conditions had precluded development of the property and the owners extended the Subdivision Improvement Agreement every two years. In 1998 it was decided that economic conditions would support partial development of the property and after the plans were updated to current specifications construction began on the central portion of the property.

That work has now been completed and enough infrastructure improvements were constructed with the central phase to allow it to operate independently. Rather than pursue a partial bond release which has limitations, the owner has decided to split the current subdivision plans into three "stand alone" sets of plans with three corresponding Subdivision Improvement Agreements. The total of the surety for the three new SIA'S is \$7,046,103 and is in excess of the total surety in the amount of \$6,808,487 currently held by the City. With these in place the central phase can be approved and accepted by the City independent of the other two phases. The other two phases can then be constructed as economic conditions permit. This Council action will substitute the existing Subdivision Improvement Agreement with three new Subdivision Improvement Agreements and three new Performance Bonds.

**FISCAL IMPACT:**

None.

Loveland/Haase/SH

**FILE LOCATION:** SUBITEMS A, B, & C: SUBD-Siempre Viva Business Park (40)

**COUNCIL ACTION:** (Tape location: C540-598.)

MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-202: FY 2002 State Park Funding Process.

(See City Manager Report CMR-01-021.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1095) ADOPTED AS RESOLUTION R-294545

Approving the list of park projects as set forth in City Manager's Report CMR-01-021;

Authorizing the City Manager to submit the list to the City's State Legislature lobbyist in Sacramento;

Authorizing the City Manager to conduct all negotiations, execute and submit all documents, including, but not limited to, applications, agreements, amendments, payment requests and so on, which may be necessary to complete the Projects;

Authorizing the City Manager to accept grant funds for the Projects;

Authorizing the City Auditor and Comptroller to appropriate and expend funds for each Project if grant funds are secured;

Authorizing the City Auditor and Comptroller to establish separate interest bearing accounts for each Project grant that is secured.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E407-480.)

MOTION BY MADAFFER TO ADOPT THE RESOLUTION, AND TO MAKE A CORRECTION AS REQUESTED BY COUNCIL MEMBER WEAR TO THE FY2002 STATE PARK FUNDING PROCESS PROPOSED PROJECTS REGARDING NTC AQUATIC COMPLEX; TO MAKE THE FIGURE CLOSER TO TEN MILLION DOLLARS. TO REFER TO NR&C THE CONSIDERATION OF A REVISED METHOD FOR SETTING CRITERIA FOR GROUPING, AND PRIORITIZATION FOR THE NEXT FISCAL YEAR AS REQUESTED BY MAYOR MURPHY. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-203: Two actions related to Black Mountain Water Treatment Plant Property.

(Black Mountain Ranch and Rancho Penasquitos Community Areas. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2001-1105) ADOPTED AS RESOLUTION R-294546

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$140,999 from Water Fund 41500, CIP-73-333.0, Annual Allocation - Air Valve Adjustments and Relocations, to Water Fund 41500, CIP-72-920.0, Black Mountain Water Treatment Plant;

Authorizing the expenditure of an amount not to exceed \$2,876,033 from CIP-72-920.0, Black Mountain Water Treatment Plant, for the acquisition of property rights, title, escrow and miscellaneous property and in-house engineering costs for the project.

Subitem-B: (R-2001-1106) ADOPTED AS RESOLUTION R-294547

Certifying that the information contained in the Environmental Impact Report LDR-98-0389 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines, that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council in connection with the approval of Black Mountain Water Treatment Plant;

Adopting the findings made with respect to the project;

Adopting the Statement of Overriding Considerations;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required in order to mitigate or avoid significant effects on the environment.

**CITY MANAGER SUPPORTING INFORMATION:**

Volume III of the Strategic Plan for Water Supply, dated June 1999, analyzed the City's potable water treatment plant capacity needs within the Northern water service area (north of Mira Mesa Boulevard and west of Interstate 15). The findings and recommendations of Volume III concluded that the preferred alternatives for potable water treatment in the Northern water service area are the following: (1) Expand the existing Miramar Water Treatment Plant from 140 mgd to 215 mgd; and (2) Purchase land for a future potable water treatment plant in the Black Mountain area of the Northern water service area. This future potable water treatment plant became known as the "Black Mountain Water Treatment Plant." The preferred site for the future Black Mountain Water Treatment Plant is adjacent to the 25-million gallon Black Mountain Potable Water Reservoir, currently under construction with an estimated completion date of August 2001. The proposed acquisition is a 160-acre site which is currently available. It is incumbent upon the City to plan ahead to ensure that potable treated water capacity is available to meet future demands. Given the growth rate of this area, land for a potable water treatment plant may not be available 10 to 20 years from now when it is anticipated that the design and construction of the Black Mountain Water Treatment Plant would take place. Approximately 50 of the 160 acres will be utilized for the Black Mountain Water Treatment and the remaining 110 acres will be utilized as buffer land from the existing communities of Rancho Penasquitos, Black Mountain Ranch, and Black Mountain Regional Park. The property owners have agreed to sell the property to the City for \$2,652,000.

**FISCAL IMPACT:**

\$2,876,033 is available in CIP-72-920.0.

Herring/Griffith/RAG

Aud. Cert. 2100829.

FILE LOCATION: SUBITEMS A & B: MEET

COUNCIL ACTION: (Tape location: D003-094.)

MOTION BY PETERS TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-204: Agreement with Central Commercial District Revitalization Corporation for Administration of Maintenance Services for Central Commercial Maintenance Assessment District.

(Sherman Heights, Grant Hill, and Logan Heights Community Areas. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1100) ADOPTED AS RESOLUTION R-294548

Authorizing the City Manager to execute an agreement with Central Commercial District Revitalization Corporation for administration of Contracts for Goods and Contracts for Services for the Central Commercial Maintenance Assessment District for a period of one year;

Authorizing the expenditure of an amount not to exceed \$32,365 for providing funds for administration services with Central Commercial District Revitalization Corporation beginning February 1, 2001 through January 31, 2002.

**CITY MANAGER SUPPORTING INFORMATION:**

In accordance with the Maintenance Assessment District Ordinance, San Diego Municipal Code Section 65.0212 paragraph (b), the majority of the property owners in a Maintenance Assessment District may approve, by the use of a ballot, a Non-profit Corporation to administer the Contracts for Goods and Contracts for Services for a District. On August 7, 2000, ballots were received by the City Clerk from the property owners in the Central Commercial Maintenance Assessment District (District) on the subject of whether to place the right to administer the District with the "Central Commercial District Revitalization Corporation" (Corporation). The ballots were tabulated by the City Manager and weighted by the dollar amount of the assessments. Of the returned ballots, 64.6 % favored the District being administered by the Corporation. This action will authorize the City Manager to sign an Agreement between the City and the Association for a period of one year beginning on February 1, 2001 and ending on January 31, 2002. (1) The Association will administer Contracts for Goods and Contracts for Service and prepare financial statements for the District as provided for in the Maintenance Assessment District Ordinance, Landscape and Lighting Act of 1972, and as set forth in the Engineer's Report for the Central Commercial Maintenance Assessment District. (2) The Corporation will perform all duties as set forth in the Agreement under Article I, section B, referred to as specific requirements. The Corporation will be reimbursed for these services within fifteen (15) working days from the receipt of properly prepared reimbursement requests. (3) The Corporation will be compensated for administration in an amount not to exceed 15% of the proposed budget, which is currently \$32,365 (or \$2,697 per month) over the period of the Agreement. (4) The Corporation will permit the City to make audits of all data and media relating to all matters covered in this Agreement, as often as the City deems necessary.

**FISCAL IMPACT:**

Funds are available in the Central Commercial Maintenance Assessment District (Fund 70260) to reimburse the Corporation for maintenance services and to compensate it for administration.

Loveland/McLatchy/SY

Aud. Cert. 2100825.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D109-E123.)

MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote:  
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea,  
District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-205: MRW and Associates Consulting Services on Public Utilities.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2001-1098) ADOPTED AS RESOLUTION R-294549

Authorizing the City Manager to execute an agreement with MRW and Associates, for consulting services to the City in connection with: a) California Public Utilities Commission proceedings; b) SDG&E franchise fee negotiations; c) Lake Hodges Pumped Storage Project; and d) energy service provider contract negotiations;

Authorizing the expenditure of an amount not to exceed \$285,000 to be expended as set forth in the request for Council Action 1472-A and Exhibit A.

**CITY ATTORNEY SUPPORTING INFORMATION:**

The City of San Diego and the City Attorney are involved in a variety of matters related to energy and public utilities. These matters include litigation in a number of gas and electric proceedings at the California Public Utilities Commission (CPUC); negotiations with San Diego Gas and Electric company with respect to the terms of its franchise; and the solicitation and negotiation of an agreement with an energy service provider to supply the City's electric loads. In addition to these topics which affect all City Departments, the Water Department is pursuing a pumped storage project for energy at Lake Hodges. All of these projects present complex technical and regulatory issues. MRW and Associates has been selected to provide expert testimony in the CPUC proceedings and to provide consulting services for the other matters. These services are continued from a prior agreement dated March 6, 2000. MRW and Associates was selected to provide these services based on its professional qualifications and its knowledge of the City's special circumstances and needs.



**FISCAL IMPACT:**

These services are to be provided at a total cost not to exceed \$235,000 for the citywide issues, to be funded from a variety of Departmental accounts. An additional \$50,000 is to be funded by the Water Department for the Lake Hodges project. The distribution of charges and accounting information is as follows:

<u>Department</u>	<u>Dept. No.</u>	<u>Fund</u>	<u>Org.</u>	<u>Object</u> <u>Acct.</u>	<u>Job Order</u>	<u>Amount</u>
MWWD	777	41509	445	4141	5046	\$113,838.60
Equipment	820	50030	302	4141	8101	1,437.67
Water	760	41500	504	4141	50434	41,742.57
Water	761	41500	517	4141	50416	50,000.00
Golf Course	730	41400	2150	4141	7310	456.60
Qualcomm	930	10330	2052	4141	205226	11,988.00
Central Stores	810	50010	2250	4141	1501	997.89
Print Shop	815	50020	905	4141	10001	632.63
Gas Tax	3220		2100	4141	2100	57.33
Airports	720	41100	2050	4141	1101	381.96
Airports	720	41100	2104	4141	1101	381.96
Plan & Dev Review	1300	41300	9301	4141	1113	376.83
Plan & Dev Review	1300	41300	9601	4141	1113	1,058.16
Plan & Dev Review	1300	41300	9401	4141	1113	462.91
Plan & Dev Review	1300	41300	9701	4141	1113	537.21
Plan & Dev Review	1300	41300	9201	4141	1113	368.70
Environmental Svc	752	41200	1100	4141	2111	313.23
Environmental Svc	751	41200	1003	4141	7201	313.23
Environmental Svc	754	41220	2100	4141	3400	313.23
Environmental Svc	751	41200	1003	4141	7301	137.18
Environmental Svc	757	41210	2201	4141	5302	137.18
Liability Reserve	81140	81140		4141	081140	59,066.93

Gwinn/Girard/Ortlieb

Aud. Cert. 2100837.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D097-098.)

MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote:  
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea,  
District 6-vacant, Madaffer-yea, District 8-vacant, Mayor Murphy-yea.

ITEM-250: Settlement of the Property Damage Claim of Joseph Lavelle.

(R-2001-1038)

Adopted as Resolution R-294482.

A Resolution approved by the City Council in Closed Session on Tuesday, January 23, 2001, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; Stallings-yea; Madaffer-yea; District 8 vacant; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$73,470.38 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal property damage claim of Joseph Lavelle;

Authorizing the City Auditor and Comptroller to issue three checks: one check in the amount of \$896.31 made payable to Luth & Turley, Inc., one check in the amount of \$57,574.07 made payable to Joseph Lavelle, and one check in the amount of \$15,000 made payable to Farmers Insurance, in full settlement of all claims.

Aud. Cert. 2100746.

ITEM-S400: **REFERRED TO CLOSED SESSION**

Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: All right of ways in the City of San Diego

City Negotiator: George I. Loveland, Senior Deputy City Manager, Patricia Frazier, Deputy City Manager, Deborah Berger, Deputy City Attorney

Negotiating Parties: San Diego Gas and Electric Company

Under Negotiation: Franchise Fees

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this issue is listed on the docket only for public testimony.

**There is no Council discussion of this item. The City Council's actions are:**

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on February 13, 2001.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E141-195.)

**NON-DOCKET ITEMS:**

NONE.

**ADJOURNMENT:**

The meeting was adjourned by Mayor Murphy at 5:30 p.m. in honor of the memory of:

Ann E. "Andy" Watt as requested by Council Member Atkins; Scott Delgadillo as requested by Council Member Madaffer; and Michael Kilbane as requested by Council Member Wear.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: E480-512.)